

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 32

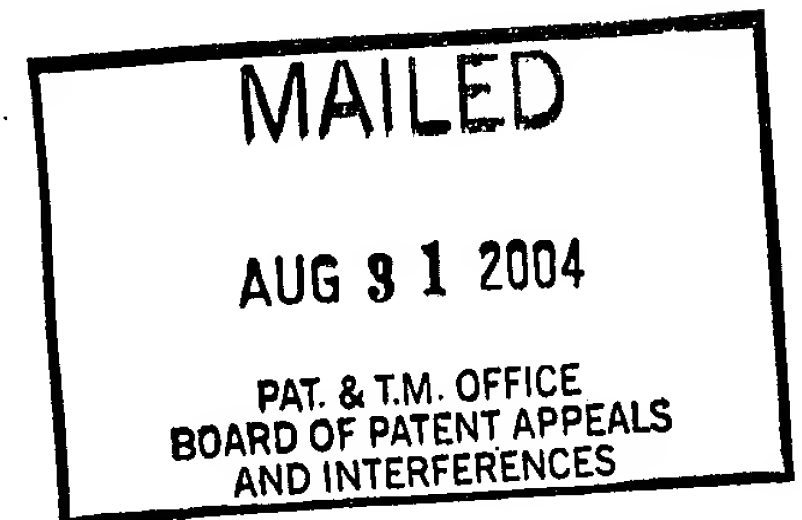
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte EBERHARD KUEBLER, ARNOLD LAMM,
and JENS MUELLER

Appeal No. 2004-0789
Application No. 09/487,594

HEARD: AUGUST 19, 2004



Before COHEN, STAAB, and McQUADE, Administrative Patent Judges.
COHEN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 10, 12, 17, and 18. However, in the answer (page 3), the examiner withdrew the final rejection of claims 2 and 3. Thus, we have before us for review on appeal claims 1, 4 through 10, 12, 17, and 18. Claims 11 and 13 through 16, the only other claims in the application, stand withdrawn from consideration; 37 CFR § 1.142(b).

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Appellants' invention pertains to a decentralized power supply system for a vehicle, to a power supply system for an electric consuming device in a motor vehicle, and to a component part of a motor vehicle. A basic understanding of the invention can be derived from a reading of exemplary claims 1, 17, and 18, respective copies of which appear in the APPENDIX to the brief (Paper No. 25).

As evidence of obviousness, the examiner has applied the documents listed below:

Wahnish	3,844,130	Oct. 29, 1974
Mizuno et al (Mizuno)	5,193,635	Mar. 16, 1993
Chappell et al (Chappell)	5,547,208	Aug. 20, 1996
Wilson et al (Wilson)	6,207,310	Mar. 27, 2001 (filed Nov. 24, 1999)

The following rejections are before us for review.

Claims 1, 5, 17, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chappell.

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chappell in view of Wahnish.

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Claims 6, 7, 9, 10, and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Chappell in view of Mizuno.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Chappell in view of Wilson.

The full text of the examiner's rejections and response to the argument presented by appellants appears in the answer (Paper No. 26), while the complete statement of appellants' argument can be found in the brief (Paper No. 25).

OPINION

In reaching our conclusion on the obviousness issues raised in this appeal, this panel of the Board has carefully considered appellants' specification and claims, the applied teachings,¹ and

¹ In our evaluation of the applied prior art, we have considered all of the disclosure of each document for what it would have fairly taught one of ordinary skill in the art. See In re Boe, 355 F.2d 961, 965, 148 USPQ 507, 510 (CCPA 1966). Additionally, this panel of the Board has taken into account not only the specific teachings, but also the inferences which one skilled in the art would reasonably have been expected to draw from the disclosure. See In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

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the respective viewpoints of appellants and the examiner. As a consequence of our review, we make the determination which follows.

We cannot sustain any of the examiner's rejections, for the reasons articulated, infra.

Independent claim 1 requires, inter alia, at least one fuel cell system isolated from other power generators and dedicated to supplying electricity to an assigned electric consuming device that is incorporated in a structural subassembly of a vehicle, with the at least one fuel cell system collocated with the assigned electric consuming device and mounted on or in the structural subassembly.

Independent claim 17 includes, inter alia, a dedicated fuel cell system connected as an exclusive supply of electric power to a consuming device, with the fuel cell being collocated with the electric consuming device in a structural component of a motor vehicle.

Claim 18 sets forth, inter alia, an electrically actuated device mounted on or in a component part of a motor vehicle, with a fuel cell system isolated, self contained, and mounted on or in the component part, collocated with the electrically actuated device.

Clearly, as claimed, a fuel cell system is collocated with an electric consuming or actuated device and mounted on or in a structural subassembly, structural component, or component part.

From a reading of appellants' underlying disclosure, we discern that a structural subassembly, structural component, and component part of a motor vehicle would be understood by one versed in this art as a distinct entity of a motor vehicle, e.g., a door or seat assembly, an air-conditioning compressor, a vehicle body module, a sliding roof, an engine compartment, and a trunk lid (specification, pages 3, 4, 7 and 8). Further, it is quite apparent to us that the language of each of appellants' claims requires the electric consuming or actuated device to be located with the fuel cell system on or in the structural subassembly, structural component, or component part.

With the above in mind, we turn now to an assessment of the content of claims 1, 17, and 18, in particular, relative to the applied prior art.

It is the view of this panel of the Board that Chappell alone or in combination with Wahnish, Mizuno, or Wilson would not have been suggestive of the claimed feature of a fuel cell system collocated with an electric consuming or actuated device on or in a structural subassembly, structural component, or component part of a motor vehicle. As we see it, one versed in the art would not have considered the auxiliary battery 16 in the passenger compartment of a vehicle as in Chappell (column 4, lines 36 through 39) to be collocated with the electric consuming or actuated devices (operators) for the locks and windows in the vehicle doors (column 4, lines 29 through 32). Further, it is apparent to us that the auxiliary air conditioner drive system of Wahnish (Fig. 1; auxiliary power plant 68 in trunk and electric motor 40 in engine compartment), the fuel cell powered vehicle of Mizuno (Figs. 1 and 2), and the polymer electrolyte membrane (PEM) fuel cell of Wilson, do not overcome the noted deficiency of the Chappell teaching. Thus, the applied prior art would not have been suggestive of the claimed invention.


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In summary, this panel of the Board has not sustained any of the obviousness rejections on appeal.


The decision of the examiner is reversed.

REVERSED

IRWIN CHARLES COHEN
Administrative Patent Judge


LAWRENCE J. STAAB
Administrative Patent Judge

BOARD OF PATENT
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JOHN P. McQUADE
Administrative Patent Judge

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